

REMARKS

Claims 1-30 are pending in the application. The Examiner has maintained all of the rejections raised in the prior Office Action. The Examiner has rejected Claims 1-3, 5-7, 9-14, 16-18, 20-22 and 24-29 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen (U.S. Patent 5,751,761) in view of Minn et al. (U.S. Patent 6,088,347). The Examiner has rejected Claims 4 and 19 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and further in view of Partridge, III (U.S. Patent 5,608,778). The Examiner has rejected Claims 8 and 23 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and Partridge, III, and further in view of Tiedemann, Jr. et al. (U.S. Patent 6,256,301). The Examiner has rejected Claims 15 and 30 under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al., and further in view of Tiedemann, Jr. et al. The Examiner has approved the drawings submitted with the prior Response.

Claims 1, 9, 16 and 24 have been amended herein.

Please enter new Claims 31-42. No new matter has been added. Claims 31-42 are believed to be in condition for allowance.

Regarding independent Claims 1, 9, 16 and 24, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Gilhousen in view of Minn et al. In the Response to Arguments section of the Office Action, page 8, paragraph 16, the Examiner comments that the position presented in the prior Response that maintained that not all of the non-orthogonal codes of the system are stored, is not recited in the claims. Although the claims do recite that only those non-orthogonal codes relating to the forward common channel of the first CDMA system are stored, this element has been amended to further clarify this concept, even though, by definition, by limiting the group of non-orthogonal codes that are stored, not all of the non-orthogonal codes are stored. It is believed that this amendment places these claims in condition for allowance. Withdrawal of the rejections of Claims 1, 9, 16 and 24 is respectfully requested.

Independent Claims 1, 9, 16 and 24 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10-15, 17-23 and 25-30, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10-15, 17-23 and 25-30 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-42, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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